

January 25, 2021

VIA ECF, ELECTRONIC MAIL

The Honorable Stuart M. Bernstein
United States Bankruptcy Court
United States Court House
One Bowling Green, Room 723
New York, New York 10004-1408
bernstein.chambers@usb.uscourts.gov

Re: **Picard v. Greiff, Adv. Proc. No. 10-04357 (SMB)**

Dear Judge Bernstein:

This firm is counsel to the Defendant in the above referenced adversary proceeding. We write to request that the pre-trial conference scheduled for Wednesday, January 27, 2021, be held or continued on a closed line with the Court and the Trustee's counsel.

Specifically, we do not believe that it makes sense to proceed with a trial for reasons set forth very briefly in our contentions in the proposed pretrial order. In short, due to the Defendant's finances and other circumstances, he is not in a position to contest liability for the two-year transfers and there need not be a trial on that liability. We would like to have a candid discussion with the Court about the case, the Defendant's circumstances and the next steps, and respectfully submit that discussion should not be broadcast on an open line with unrelated parties. We would be happy to have that closed line discussion either Wednesday morning as part of the scheduled conference, or thereafter at the Court's convenience.

Respectfully submitted,



Arthur H. Ruegger
Senior Counsel

cc: Nicholas J. Cremona, Esq.
Baker Hostetler LLP
Email: ncremona@bakerlaw.com

Kevin H. Bell, Esq.
SIPC
Email: kbell@sipc.org